

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

THOMAS EDWIN HORN

PLAINTIFF

VS.

CIVIL ACTION NO. 5:09cv119-MTP

THOMAS E. VAUGHAN, ET AL.

DEFENDANTS

ORDER

THIS MATTER is before the Court on the Motion for Entry of Judgment Under Rule 54(b) [80] filed by Defendant Sherry Vaughan. Having considered the motion and the applicable law, the court finds that the Motion [80] should be denied.

On August 20, 2010, this Court entered its Opinion and Order [74] granting Sherry Vaughan's Motion for Summary Judgment [44], and dismissed the claims made against her in this action with prejudice. Plaintiff's claims against Defendants Thomas E. Vaughan and Yazoo County, Mississippi remain pending in this action.¹ In her Motion [80], Ms. Vaughn seeks the entry of a final judgment under Federal Rule of Civil Procedure 54(b), claiming there is no just reason for delaying the entry of final judgment in her favor.

Rule 54(b) provides,

When an action presents more than one claim for relief--whether as a claim, counterclaim, crossclaim, or third-party claim--or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay. Otherwise, any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties

¹The Motion for Summary Judgment [68] filed by Defendants Thomas E. Vaughan and Yazoo County, Mississippi is currently pending before the Court.

and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities.

Fed. R. Civ. P. 54(b). The Court finds that because the claims against Ms. Vaughan and the remaining Defendants involve common facts and issues, judicial economy weighs against entering a final judgment under Rule 54(b) in favor of Ms. Vaughan. *See Decraene v. United States*, No. CIV.A. 97-3190, 1999 WL 246708, at *4 (E.D. La. Apr. 26, 1999) (citing *Curtiss-Wright Corp. v. General Electric Co.*, 446 U.S. 1, 7-8 (1980)) (denying plaintiff's Rule 54(b) motion, reasoning that the claims involved overlapping facts and that the U.S. Supreme Court has "cautioned against entry of final judgment that would require an appeals court to familiarize itself with the same issue or facts more than once").

IT IS, THEREFORE, ORDERED:

That Defendant Sherry Vaughan's Motion for Entry of Judgment Under Rule 54(b) [80] is DENIED.

SO ORDERED this the 3rd day of September, 2010.

s/ Michael T. Parker

United States Magistrate Judge